

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: JAMES M. DOHERTY

Serial No.: 10/029,928

Group Art Unit: 2152

Filed: 12/31/2001

Examiner: Dohm CHANKONG

Title: *Residential Gateway System for Automated Control of Residential Devices*

REPLY BRIEF

Attn: Board of Patent Appeals and Interferences
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Appeal Brief filed July 16, 2007, and the Examiner's Answer dated September 26, 2007, Applicants submit the following reply.

REMARKS

This Reply Brief is in response to the Examiner's Answer dated September 26, 2007. Reconsideration of this application is respectfully requested in view of the foregoing remarks. In addition, all of the arguments in the appeal brief of July 16, 2007 and prior responses should also be considered in support of the claimed elements provided in the present invention.

STATUS OF CLAIMS

Claims 29-43 are pending.

Claims 1-28 were previously cancelled.

Claims 29-43 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 6,437,692 (Petite), in view of U.S. 6,314,340 (Mecham).

RESPONSE TO EXAMINER'S ANSWER

With respect to independent claims 29, 36 and 43, in the Examiner's Answer of 09/26/2007, the Examiner yet again cites Petite's reference, in column 13, lines 19-30 as teaches the presently claimed feature of "**economic setpoint information**" that is **forwarded** to a control server over a wide area network. Further, with respect to independent claims 29, 36 and 43, the Examiner asserts in the Examiner's Answer of 09/26/2007 that the Petite reference, in column 13, lines 8-30 teaches determining control parameters by control sever based on forwarded economic setpoint information.

Applicant has repeatedly pointed out in numerous responses to the Examiner that column 13, lines 19-30 merely teaches a "**client directed water application schedule**" or "**custom watering requirements**", which essentially allows the client to determine the watering schedule.

Applicant has also repeatedly pointed out in numerous responses to the Examiner that column 13, lines 8-30 of Petite merely mentions transmitting rainfall and water information to a server for viewing or retrieval upon client demand and states that a control server provides signals to operate a spray head based on “a client directed water schedule” or “customer watering requirements”.

In the Examiner's response to arguments, the Examiner argues that such a client directed water schedule reads on the Applicant's feature of “economic setpoint information”. For support of this argument, the Examiner recites Applicant's claim 33 and states that since “economic setpoint information is set to control amount of electricity or water used by at least one residential device”, such a feature can be equated to Petite's client directed water schedule. It should be emphasized, however, that in Petite, the water schedule is directed by the client (hence, *client directed* water schedule), whereas, in Applicant's claims, the water schedule is set based on economic setpoint information. Applicant wishes to respectfully point out that such client directed water schedules **CANNOT** be equated to setting a water schedule based on economic/financial parameters which would keep the cost of the water/electricity usage of an irrigation system low (as described in page 9, lines 9-16 of applicant's application).

Further absent from the Examiner's argument is an explanation of how a mere mention of client-directed water schedule can be equated to the step of “forwarding economic setpoint information to said control server” wherein the control server utilizes such forwarded economic setpoint information, in combination with information from climactic information servers and forwarded state information, to determine control parameters that are issued to a gateway device to control at least one residential device.

Applicant maintains that the Petite reference does not provide any citations that teach or suggest such features. The Applicant wishes to note that such features are also absent from the Mechem reference.

Applicant further maintains that absent such a showing of features, the Petite reference, either singly or used in combination with Mechem, cannot anticipate or render obvious Applicant's independent claims 29, 36 and 43.

Further, it is respectfully pointed out to the board that the Examiner in page 4 of a previous office action dated 3/25/2005 correctly interpreted that Petite reference does not disclose control parameters as a water cycle of the irrigation system based upon an economic setpoint. However, in the recent Office Action, the Examiner appears to have reversed his position to mention that the Petite reference does disclose determining the watering cycle based in forwarded economic setpoint information.

Also, Applicant had pointed out in the Appeal Brief of 7/16/2007 that Mechem's mention of using the "Hargreaves equation" as an "evapotranspiration formula" that is to be used at a "specific site" "but do not require access to large amounts of specific weather station collected climatic information" supports Applicant's argument that Mechem's setup is specifically used in a scenario that, by their own admission, avoids having to access climatic information. This teaching contradicts the Examiner's assertion that "it would have been obvious to also use information from a climatic information providing server" according to the teaching of Mechem.

In response to this argument, the Examiner points out that in column 3, lines 12-23, Mecham proposes a new system that implements in a new way. However, the Examiner's new citation merely states that Mecham's system and method improves on the previous systems and methods by providing **a local deviation factor that is used at a local site to adjust the evapotranspiration values calculated by Hargreaves equation**. Applicant maintains that the Mecham's improvement still uses Hargreaves equation, albeit with a local deviation factor, and is still implemented locally and does **NOT** teach or suggest accessing climatic information servers. In other words, Mecham's setup (which is an improvement over prior art systems) still uses Hargreaves equation that takes into account a local deviation factor, wherein such a setup is used to **avoid** having to access climatic information.

In support of the argument that Mecham teaches receiving information from climatic information servers, the Examiner argues that the evapotranspiration modules can be equated to servers. Applicant respectfully disagrees with the Examiner, as Mecham, by their own admission, state that these **evapotranspiration modules are "local" to a site and are merely provide "local" information (captured via sensors) that is used to determine the above-described "local deviation"**. Therefore, Mecham's evapotranspiration modules **CANNOT** be equated to servers providing climatic information that are remote and accessible via over a wide area network.

Hence, at least for the reasons set forth in the Appeal Brief of 7/16/2007, and further in view of the current Reply Brief, Applicant maintains that the combination of Mecham and Petite

fail to teach many of the features of Applicant's pending claims. Therefore, Applicant maintains that an improper 35 U.S.C. §103 rejection was issued with regards to the pending claims.

SUMMARY

None of the references, cited or applied, provide for the specific claimed details of Applicant's presently claimed invention, nor renders them obvious. It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested.

As this Reply Brief has been timely filed within the set period of response, no petition for extension of time or associated fee is required. However, the Commissioner is hereby authorized to charge any deficiencies in the fees provided to Deposit Account No. 50-4098.

Respectfully submitted,

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